

11-10-05

3643
JPW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

MICKE et al.

Serial No.: 10/005,797

Filed: November 2, 2001

Atty. File No.: 3957-8-DIV

For: "METHOD AND APPARATUS
FOR REMOVING
OBSTRUCTIONS IN MINES"

MS Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Group Art Unit: 3643

Examiner: Price, Richard Thomas Jr.

REQUEST FOR CONSIDERATION OF
INFORMATION DISCLOSURE
STATEMENT AND CITED REFERENCES

"EXPRESS MAIL" MAILING LABEL NUMBER: EV 737755202 US
DATE OF DEPOSIT: 11/8/05

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING
DEPOSITED WITH THE UNITED STATES POSTAL SERVICE
"EXPRESS MAIL POST OFFICE TO ADDRESSEE" SERVICE
UNDER 37 C.F.R. 1.10 ON THE DATE INDICATED ABOVE AND IS
ADDRESSED TO THE COMMISSIONER FOR PATENTS, P.O. BOX
1450, ALEXANDRIA, VA 22313-1450.

TYPED OR PRINTED NAME: Darcie Kuntak

SIGNATURE:

Darcie Kuntak

Dear Sir:

// Applicant hereby requests the USPTO to consider the Information Disclosure Statements filed on November 2, 2001 and February 21, 2003 (copies of which are attached hereto). The Notice of Allowability on the above-referenced application mailed October 4, 2005 does not include a signed version of the PTO-1449 filed with the Supplemental Information Disclosure Statement.

Although the Applicant believes that no fees are due for filing this request, please charge any fees deemed necessary to Deposit Account No. 19-1970.

Respectfully submitted,

SHERIDAN ROSS P.C.

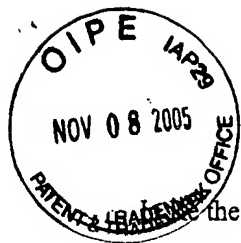
By:

Douglas W. Swartz

Douglas W. Swartz
Registration No. 37,739
1560 Broadway, Suite 1200
Denver, Colorado 80202-5141
(303) 863-9700

Date:

Nov. 8, 2005



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

the Application of:

MICKE et al.

Serial No.: 10/005,797

Filed: November 2, 2001

Atty. File No.: 3957-8-DIV

For: "METHOD AND APPARATUS FOR
REMOVING OBSTRUCTIONS IN
MINES"

Assistant Commissioner for Patents
Washington, D. C. 20231

Group Art Unit: 3643

Examiner: Price, Richard Thomas, Jr.

SUPPLEMENTAL INFORMATION
DISCLOSURE STATEMENT

"EXPRESS MAIL" MAILING LABEL NUMBER: EL923668676US
DATE OF DEPOSIT: 2/21/03

I HEREBY CERTIFY THAT THIS WITH THE UNITED STATES
POSTAL SERVICE "EXPRESS MAIL POST OFFICE TO
ADDRESSEE" SERVICE UNDER 37 C.F.R. 1.10 ON THE DATE
INDICATED ABOVE AND IS ADDRESSED TO THE ASSISTANT
COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231.

TYPED OR PRINTED NAME: Aimee M. Thuerk

SIGNATURE: *Aimee M. Thuerk*

Sir:

The references cited on attached Form PTO-1449 are being called to the attention of the Examiner.

Copies of the cited references:

☒ Are enclosed herewith.

☐ Are not enclosed, in accordance with 37 C.F.R. 1.98(d), because the references were
submitted to the U.S. Patent and Trademark Office in prior application Serial No. _____
_____ filed _____, which is relied upon for an earlier filing date under 35
U.S.C. § 120

☐ To the best of applicants' belief, the pertinence of the foreign-language references are
believed to be summarized in the attached English abstracts and in the figures, although applicants do not
necessarily vouch for the accuracy of the translation.

☐ Examiner's attention is drawn to the following co-pending applications, copies of which have
been or are being submitted:

Serial No. _____ filed _____

Serial No. _____ filed _____

Submission of the above information is not intended as an admission that any item is citable under the
statutes or rules to support a rejection, that any item disclosed represents analogous art, or that those skilled in
the art would refer to or recognize the pertinence of any reference without the benefit of hindsight, nor should
an inference be drawn as to the pertinence of the references based on the order in which they are presented.
Submission of this statement should not be taken as an indication that a search has been conducted, or that no
better art exists.

It is respectfully requested that the cited information be expressly considered during the prosecution of this application and the references made of record therein.

FEES

| | |
|-------------------------------------|--|
| <input type="checkbox"/> | <p>37 CFR 1.97(b): No fee is believed due in connection with this submission, because the information disclosure statement submitted herewith is satisfies one of the following conditions ("X" indicates satisfaction):</p> <ul style="list-style-type: none"><input type="checkbox"/> Within three months of the filing date of a national application other than a continued prosecution application under 37 CFR 1.53(d), or<input type="checkbox"/> Within three months of the date of entry into the national stage of an international application as set forth in 37 CFR 1.491 or<input type="checkbox"/> Before the mailing a first Office Action on the merits, or<input type="checkbox"/> Before the mailing of a first Office action after the filing of a request for continued examination under 37.CFR 1.114. <p>Although no fee is believed due, if any fee is deemed due in connection with this submission, please charge such fee to Deposit Account 19-1970.</p> |
| <input checked="" type="checkbox"/> | <p>37 CFR 1.97(c): The information disclosure statement transmitted herewith is being filed after all the above conditions (37 CFR 1.97(b)), but before the mailing date of one of the following conditions:</p> <ul style="list-style-type: none">(1) a final action under 37 C.F.R. 1.113 or(2) a notice of allowance under 37 C.F.R. 1.311, or(3) an action that otherwise closes prosecution in the application. <p>This Information Disclosure Statement is accompanied by:</p> <p><input type="checkbox"/> A Certification (below) as specified by 37 C.F.R. 1.97(e). Although no fee is believed due, if any fee is deemed due in connection with this submission, please charge such fee to Deposit Account 19-1970.</p> <p style="text-align: center;">OR</p> <p><input checked="" type="checkbox"/> A check in the amount of \$180.00 for the fee set forth in 37 C.F.R. 1.17(p) for submission of an information disclosure statement. Please credit any overpayment or charge any underpayment to Deposit Account No. 19-1970.</p> |
| <input type="checkbox"/> | <p>37 CFR 1.97(d): This Information Disclosure Statement is being submitted after the period specified in 37 CFR 1.97(c).</p> <p><input type="checkbox"/> This information Disclosure Statement includes a Certification (below) as specified by 37 C.F.R. 1.97(e)</p> <p style="text-align: center;">AND</p> <p><input type="checkbox"/> Applicants hereby requests consideration of the reference(s) disclosed herein. Enclosed is the fee in the amount of \$180.00 under 37 C.F.R. 1.17(p). Please credit any overpayment or charge any underpayment to Deposit Account No. 19-1970. Election to pay the fee should not be taken as an indication that applicant(s) cannot execute a certification.</p> |



Certification (37 C.F.R. 1.97(e))
(Applicable only if checked)

☐ The undersigned certifies that:

☐ Each item of information contained in this information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement. 37 C.F.R. 1.97(e)(1).

☐ A copy of the communication from the foreign patent office is enclosed.

OR

☐ No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. 1.56(c) more than three months prior to the filing of this information disclosure statement. 37 C.F.R. 1.97(e)(2).

Respectfully submitted,

SHERIDAN ROSS, P.C.

By: Bradley M. Knepper
Bradley M. Knepper
Registration No. 44,189
1560 Broadway, Suite 1200
Denver, CO 80202-5141
TELEPHONE: 303-863-2975
FAX: 303-863-0223

Date: February 21, 2003
JA3957A-81-DIVADS-02.wpd

SHEET 1 OF 1

| | | |
|--|---------------------------------|--------------------------|
| FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary) | ATTY. DOCKET NO. 3957-8-DIV | SERIAL NO. 10/005,797 |
| | APPLICANT Micke et al. | |
| | FILING DATE November 2, 2001 | GROUP ART 3643 |

U.S. PATENT DOCUMENTS

| *EXAMINER INITIAL | DOCUMENT NUMBER | DATE | NAME | CLASS | SUB CLASS | FILING DATE IF APPROP. |
|----------------------|-----------------|------|------|-------|--------------|---------------------------|
| | | | | | | |
| | | | | | | |

FOREIGN PATENT DOCUMENTS

| | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUB CLASS | TRANSLATION | |
|--|-----------------|------|---------|-------|--------------|-------------|----|
| | | | | | | YES | NO |
| | | | | | | | |
| | | | | | | | |

OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)

| | |
|----|--|
| AA | Heuzé, Francois, "Rock mechanics contributions from defense programs," <u>Rock Mechanics</u> , pp. 3-26, Tillerson & Wawersik (eds), 1992, Balkema, Rotterdam. |
| AB | Lownds, C.M., et al, "The performance testing of permitted explosives for coal mines," <u>Journal of the South African Institute of Mining and Metallurgy</u> , vol. 86, no. 10, pp. 415-423, October, 1986. |
| AC | no author given, "Excavation of tunnels by the use of smooth-bore cannons to fire solid 10 lb concrete projectiles into the rock - REAM," <u>Tunnels and Tunnelling</u> , pp. 177-180, March, 1973. |

| | |
|--|-----------------|
| EXAMINER | DATE CONSIDERED |
| *EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line if not in conformance and not considered. Include copy of this form with next communication to applicant. | |



PATENT

Attorney Docket No.: 3957-8-DIV

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

MICKE et al.

Serial No.: Not yet assigned

Filed: Herewith

For: "METHOD AND APPARATUS FOR
REMOVING OBSTRUCTIONS IN
MINES"

) Group Art Unit: 3643

) Examiner:

)

) **INFORMATION DISCLOSURE STATEMENT**

) EXPRESS MAIL MAILING LABEL NUMBER: EL822581202US

) DATE OF DEPOSIT: November 2, 2001

)

) I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING
) DEPOSITED WITH THE UNITED STATES POSTAL SERVICE
) "EXPRESS MAIL POST OFFICE TO ADDRESSEE" SERVICE
) UNDER 37 C.F.R. 1.10 ON THE DATE INDICATED ABOVE
) AND IS ADDRESSED TO THE ASSISTANT COMMISSIONER FOR
) PATENTS, WASHINGTON, D.C. 20231.

)

) TYPED OR PRINTED NAME: Angela P. Davis

)

SIGNATURE: _____

Assistant Commissioner for Patents
Washington, D. C. 20231

Sir:

The references cited on attached Form PTO-1449 are being called to the attention of the Examiner. Copies of the cited references:

☒ Are not enclosed, but were submitted with U.S. Patent Application Serial No. 09/173,876, filed October 16, 1998.

☐ To the best of applicants' belief, the pertinence of the foreign-language references are believed to be summarized in the attached English abstracts and in the figures, although applicants do not necessarily vouch for the accuracy of the translation.

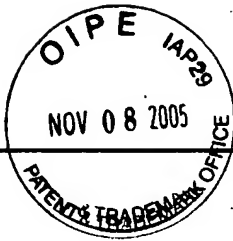
☒ Examiner's attention is drawn to the following co-pending applications: Serial No. 09/173,876, filed October 16, 1998).

Submission of the above information is not intended as an admission that any item is citable under the statutes or rules to support a rejection, that any item disclosed represents analogous art, or that those skilled in the art would refer to or recognize the pertinence of any reference without the benefit of hindsight, nor should an inference be drawn as to the pertinence of the references based on the order in which they are presented. Submission of this statement should not be taken as an indication that a search has been conducted, or that no better art exists.

It is respectfully requested that the cited information be expressly considered during the prosecution of this application and the references made of record therein.

FEES

| | |
|-------------------------------------|---|
| <input checked="" type="checkbox"/> | <p>No fee is believed due in connection with this submission, because the information disclosure statement submitted herewith is being filed:</p> <p style="padding-left: 40px;"><input type="checkbox"/> within three months of the filing date of the application or date of entry into the national stage of an international application or</p> <p style="padding-left: 40px;"><input checked="" type="checkbox"/> before the mailing date of a first Office Action on the merits, whichever occurs last. 37 C.F.R. 1.97(b).</p> <p>Although no fee is believed due, if any fee is deemed due in connection with this submission, please charge such fee to Deposit Account 19-1970.</p> |
| <input type="checkbox"/> | <p>The information disclosure statement transmitted herewith is being filed after three months of the filing date of this national application but before the mailing date of either:</p> <p style="padding-left: 40px;">(1) a final action under 37 C.F.R. 1.113 or</p> <p style="padding-left: 40px;">(2) a notice of allowance under 37 C.F.R. 1.311,</p> <p>whichever occurs first. This Information Disclosure Statement is accompanied by:</p> <p style="padding-left: 40px;"><input type="checkbox"/> A Certification (below) as specified by 37 C.F.R. 1.97(e). Although no fee is believed due, if any fee is deemed due in connection with this submission, please charge such fee to Deposit Account 19-1970.</p> <p style="text-align: center;">OR</p> <p style="padding-left: 40px;"><input type="checkbox"/> A check in the amount of \$240.00 for the fee set forth in 37 C.F.R. 1.17(p) for submission of an information disclosure statement. Please credit any overpayment or charge any underpayment to Deposit Account No. 19-1970.</p> |
| <input type="checkbox"/> | <p>This Information Disclosure Statement is being submitted after the mailing date of a final action under §1.113 or a notice of allowance under § 1.311, but before payment of the issue fee.</p> <p style="padding-left: 40px;"><input type="checkbox"/> This information Disclosure Statement includes a Certification (below) as specified by 37 C.F.R. 1.97(e)</p> <p style="text-align: center;">AND</p> <p style="padding-left: 40px;"><input type="checkbox"/> Applicants hereby petition for consideration of the references disclosed herein. Enclosed is a petition fee in the amount of \$130.00 under 37 C.F.R. 1.17(i)(1). Please credit any overpayment or charge any underpayment to Deposit Account No. 19-1970.</p> |
| <input type="checkbox"/> | <p>Applicant elects to pay the fee set forth in 37 C.F.R. 1.17(p) for submission of an information disclosure statement, and the enclosed check includes \$240.00 for payment of such fee. Please credit any overpayment or charge any underpayment to Deposit Account No. 19-1970. Election to pay the fee should not be taken as an indication that applicant(s) cannot execute a certification.</p> |



Certification (37 C.F.R. 1.97(e))
(Applicable only if checked)

☐ The undersigned certifies that:

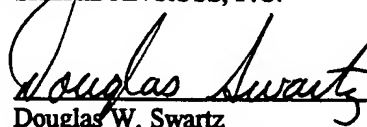
- ☐ Each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement. 37 C.F.R. 1.97(e)(1).
☐ A copy of the communication from the foreign patent office is enclosed.

OR

- ☐ No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application or to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in 37 C.F.R. 1.56(c) more than more than three months prior to the filing of this statement. 37 C.F.R. 1.97(e)(2).

Respectfully submitted,

SHERIDAN ROSS, P.C.



Douglas W. Swartz

Registration No. 37,739

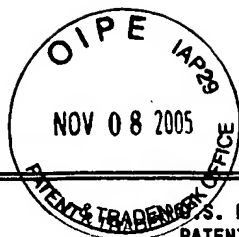
1560 Broadway, Suite 1200

Denver, Colorado 80202-5141

Nov. 2, 2001
Date

SHERIDAN ROSS, P.C.
303-863-9700
FAX: 303-863-0223

M:\3957A-8\div\IDS.wpd

SHEET 1 OF 2

FORM PTO-1449

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICEATTY. DOCKET NO.
3957-8-DIV

SERIAL NO.

INFORMATION DISCLOSURE STATEMENT
(Use several sheets if necessary)APPLICANT
Micke et al.FILING DATE
HerewithGROUP ART
3643

U.S. PATENT DOCUMENTS

| *EXAMINER INITIAL | | DOCUMENT NUMBER | DATE | NAME | CLASS | SUB CLASS | FILING DATE IF APPROP. |
|----------------------|----|-----------------|----------|-----------------|-------|--------------|---------------------------|
| | AA | 1,585,664 | 5/25/26 | Gilman, G.H. | | | 11/24/20 |
| | AB | 2,359,301 | 10/3/44 | Church et al. | 102 | 56 | 3/22/41 |
| | AC | 2,725,821 | 12/6/55 | Coleman, H.W. | 102 | 22 | 3/29/52 |
| | AD | 3,695,715 | 10/3/72 | GODFREY | 299 | 13 | |
| | AE | 3,721,471 | 3/20/73 | Bergmann et al. | 299 | 55 | 10/28/71 |
| | AF | 3,777,665 | 12/11/73 | Ziamba | 102 | 70.2P | 8/3/72 |
| | AG | 3,788,230 | 1/29/74 | Losfeld | 102 | 74 | 1/22/70 |
| | AH | 3,963,275 | 6/15/76 | GODFREY et al. | 299 | 13 | |
| | AI | 4,388,868 | 6/21/83 | Frostig | 102 | 473 | 11/10/80 |
| | AJ | 4,406,430 | 9/27/83 | KRAMMER et al. | 244 | 3.13 | |
| | AK | 5,031,538 | 7/16/91 | DUFRANE et al. | 102 | 275.5 | |
| | AL | 5,081,929 | 1/21/92 | Mertens | 102 | 273 | 11/19/90 |
| | AM | 5,345,853 | 9/13/94 | Crepin et al. | 89 | 1.818 | 12/3/93 |
| | AN | 5,359,935 | 11/1/94 | WILLETT | 102 | 307 | |
| | AO | 5,365,913 | 11/22/94 | WALTON | 124 | 75 | |
| | AP | 5,404,820 | 4/11/95 | HENDRIX | 102 | 201 | |
| | AQ | 5,429,030 | 7/4/95 | TIDMAN | 89 | 7 | |
| | AR | 5,611,605 | 3/18/97 | MCCARTHY | 299 | 13 | |
| | AS | 5,731,538 | 3/24/98 | O'BRIEN et al. | 102 | 202.5 | |
| | | | | | | | |
| | | | | | | | |

EXAMINER

DATE CONSIDERED

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

SHEET 2 OF 2

| | | |
|--|--------------------------------|-------------------|
| FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary) | ATTY. DOCKET NO. 3957-8-DIV | SERIAL NO. |
| | APPLICANT Micke et al. | |
| | FILING DATE Herewith | GROUP ART 3643 |

FOREIGN PATENT DOCUMENTS

| | | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUB CLASS | TRANSLATION | |
|--|----|-----------------|----------|-------------------------|-------|-----------|-------------|----|
| | | | | | | | YES | NO |
| | AT | 568.425 | 3/24/24 | France | | | | |
| | AU | EP 0 230 720 A2 | 8/5/87 | EPO | | | | |
| | AV | DE3533753 | 9/21/85 | Germany (Abstract Only) | | | | |
| | AW | DE 31 49 346 | 6/16/83 | Germany | | | | |
| | AX | EP 0 363 079 A2 | 4/11/90 | EPO | | | | |
| | AY | CA2015773 | 4/30/90 | Canada (Abstract Only) | | | | |
| | AZ | DE4226129-A | 8/7/92 | Germany (Abstract Only) | | | | |
| | BA | EP-602632-A | 12/18/92 | EPO (Abstract Only) | | | | |
| | BB | 94 3791 | 5/30/94 | South Africa | | | | |
| | | | | | | | | |
| | | | | | | | | |

OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)

| | | |
|--|----|--|
| | | |
| | BC | Society of Explosives Engineers, Inc. "Permissible Blasting/Underground Coal Mines," Chapter 26, Blaster's Handbook, 17th Ed. (1998) |
| | BD | Watson et al.; "DEMONSTRATION OF HIGH SPEED GUN AND PENETRATING CONE FRACTURE TECHNOLOGY"; Proposal to Climax Molybdenum Company/Henderson Mine; October 1990; pp. 1-24. |
| | BE | Lundquist, R.; "UNDERGROUND TESTS OF THE REAM METHOD OF ROCK FRAGMENTATION FOR HIGH-SPEED TUNNELING"; RETC Proceedings; Vol. 1; 1974; pp. 825-840. |
| | BF | Louie, M.; "QUASI-CONTINUOUS EXPLOSIVE CONCEPTS FOR HARD ROCK EXCAVATION"; Shock Hydrodynamics Division Whittaker Corporation; June 1973; Final Report. |
| | BG | Singh, M.; "ROCK BREAKAGE BY PELLET IMPACT"; IIT RESEARCH INSTITUTE; 12/24/69; Final Report. |

| | |
|---|-----------------|
| EXAMINER | DATE CONSIDERED |
| *EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. | |